

Attorney Docket No. LEAP:126US
U.S. Patent Application No. 10/721,695
Reply to Final Office Action of March 6, 2006
Date: May 19, 2006

Remarks/Arguments

The Rejection of Claims 2, 3, 5, 6, 9, 10 and 16-18 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 2, 3, 5, 6, 9, 10 and 16-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,049,420 (*Kraft*). Applicants respectfully traverse the rejection and request reconsideration for the following reasons.

Claim 2

***Kraft* fails to teach or disclose a rod**

In the Office Action, a coaxial drive shown in *Kraft* is equated to be the rod recited in Claim 2. In col. 2, lines 47-48 and col. 3, lines 45-48 describe *Kraft* describes a coaxial drive **4** which comprises two coaxial drive elements, preferably pinions, bevel wheels, and friction wheels that operate independently from one another. Nothing in *Kraft* indicates that coaxial drive **4** is merely a rod. If coaxial drive **4** was a rod it would not function properly since the drive system disclosed in *Kraft* is dependent on the coaxial drive system **4** having multiple gear elements operating together to actuate X-movement for carriage **3**, and Y-movement for stage **2**. *Kraft* fails to teach or disclose a rod.

***Kraft* fails to teach or disclose a rod attached to a slide mount**

Assuming *arguendo* coaxial drive **4** is rod, which it is not, coaxial drive **4** is not attached to carriage **3**. In col. 2, lines 47-48 *Kraft* explicitly states that “coaxial drive **4** is fastened to the fixed stage plate **1**.” *Kraft* clearly describes the coaxial drive **4** being fastened to a fixed stage that is immovable. Fixed stage plate **1** is immovable because it is “fixedly screwed to the stage fork (not shown) of a microscope or is fastened thereto in some other manner.” (See col. 2, lines 36-38). Claim 2 explicitly recites that the rod is attached to the slide mount, which is a movable member that enables sliding movement. *Kraft* does not disclose a coaxial drive **4** mounted to a slide mount, which is a movable component, but discloses coaxial drive **4** connected to the fixed stage **1**. *Kraft* fails to teach a rod attached to a slide mount.

***Kraft* fails to teach or disclose a slide mount and upper stage that move as result of movement of a rod in the same direction**

Even if carriage **3** is analogous to slide mount **16** in Claim 2 of the instant application,

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carriage 3 is not arranged to move in a second direction orthogonal to a first direction, in response to a movement of said coaxial drive 4 in the second direction. This is because coaxial drive 4 cannot move in linear directions it can only rotate about axis 19 since it is attached to a fixed stage plate 1. (See col. 2, lines 47-50). Movement of stage plate 2 in the Y-direction is only caused by rotation of knurled knob 6 (and thereby rotation of coaxial drive 4), not movement of the coaxial drive 4 in an X or Y direction. (See col. 2, lines 50-55 & col. 3, lines 50-55). Movement of carriage 3 in the X-direction is caused by rotation of knurled knob 22. (See col. 3, lines 54-60 & col. 4, lines 15-30). Coaxial drive 4 only causes movement by rotation of the knurled knobs 6 and 22 about axis of rotation 19, not by movement of coaxial drive 4 in the same direction as the stage elements are moved. Therefore, two additional elements of Claim 2 are not disclosed by Kraft, namely 1) a rod/upper stage arrangement where movement in a first direction of the upper stage occurs due to movement of the rod in a first direction and 2) rod/slide mount arrangement where slide mount movement in a second direction, orthogonal to the first direction, occurs in response to movement of the rod in the second direction. Kraft fails to teach an upper stage and slide mount that move as a result of movement of a rod in the same direction.

Kraft fails to teach, suggest or disclose a rod that is releasably attached to the slide mount

Claim 2 recites that rod 10 is attached to the slide mount by a releasable attachment means, i.e., it can be removed. In the Office Action fastening device 21 of Kraft is interpreted to be a releasable attachment means that is arranged to attach the rod to the slide mount. Releasable is an adjective that qualifies the attachment of the rod to the slide mount as a connection that is designed to release the rod from the slide mount. This feature in Claim 2 enables and is instrumental for the rod to be attached for either left-handed use or right-handed use. The attachment of coaxial drive 4 disclosed by Kraft is not releasable. The only description offered in Kraft of the connection of coaxial drive 4 to fixed stage 1 is found in col. 2, lines 46-50, where it states that “coaxial drive 4 is fastened to the fixed stage plate 1 in a fastening device 21 (e.g., clamps).” Nothing in Kraft describes the fastening means 21 as releasable. Figure 2 further supports the interpretation of Kraft’s fastening device as a fixed connection that is not releasable.

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Fastening device **21** is shown as a rectangular piece that would hold coaxial drive **4** securely and permanently to fixed stage **1**. Hence, a releasable attachment means for rod **10**, is not disclosed by *Kraft*.

For all the reasons stated above, Claim 2 is novel with respect to *Kraft*. Claims 3, 5, 6, 9, 10 and 18, dependent from Claim 2, enjoy the same distinction from *Kraft*.

Claim 16

For many of the reasons that Claim 2 is novel, Claim 16 is also novel. Specifically, *Kraft* fails to teach or disclose a rounded shaft or rod, a rounded shaft or rod attached to a slide mount, a releasable attachment means for the rod or rounded shaft, and an upper stage and slide mount that move as a result of movement of a rod or rounded shaft in the same direction.

Claim 17

Claim 17 recites an additional element not disclosed by *Kraft*, specifically, a joystick detachably secured to the slide mount at more than one location of the slide mount. The '420 patent only discloses a coaxial drive **4** fixedly attached to fixed stage **1** and there is no teaching that the attachment of the coaxial drive **4** is detachably. (See col. 2, lines 45-50). Thus, *Kraft* is missing essential elements of Applicants' invention, *i.e.*, a joystick detachably secured to the slide mount. Therefore, Claim 17 is novel with respect to *Kraft*.

Applicant courteously requests that the rejection be removed.

The Rejection of Claims 3, 4, 8 and 11 Under 35 U.S.C. §103(a)

Claims 3, 4, 8 and 11 were rejected Under 35 U.S.C. §103(a) as being unpatentable over *Kraft* in view of Ergolux B 0 1-Ersatztelliste (*Leitz*). Applicants respectfully traverse this rejection.

Claim 2

Applicants have shown that *Kraft* fails to teach all the elements of Claim 2. *Leitz* does not cure the defects of *Kraft* regarding the elements of Claim 2.

Furthermore, there is no motivation to combine *Kraft* with *Leitz*, or to modify those references to create the subject invention. *Kraft* discloses a microscope with a gear system that is

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utilized to move the stage, while *Leitz* discloses a microscope that uses manual manipulation to move the stage and does not require or disclose a gear system. One skilled in the art would not be motivated to combine these different stage systems in order to arrive at the stage movement system claimed in the instant application because of the vast difference in the structures and elements needed to enable the systems to function. A gear-driven stage and a manual stage are both intended for different applications and thus have little similarity outside being installed on microscopes. Due to the different applications of *Kraft* and *Leitz* it is apparent that impermissible hindsight reconstruction was the motivation for the combination and reliance on Applicants' own disclosure was a major factor in motivating the combination of the references.

In view of the arguments above, Claim 2 is patentable over *Kraft* in view of *Leitz*. Claims 3, 4, 8 and 11, dependent from Claim 2, also are patentable over *Kraft* in view of *Leitz*.

Applicant courteously requests that the rejection be removed.

The Rejection of Claims 7, 12-14 and 16 Under 35 U.S.C. 103(a)

Claims 7, 12-14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of U.S. Patent Application No. 2003/0169492 (*Nishida et al.*). Applicants respectfully traverse this rejection.

Claim 2

Applicants have shown that *Kraft* fails to teach all the elements of Claim 2. *Nishida et al.* does not cure the defects of *Kraft* regarding the elements of Claim 2.

Furthermore, there is no motivation to combine *Kraft* with *Nishida et al.*, or to modify the references to create the subject invention. *Kraft* discloses a microscope with a gear system implemented to move the stage, while *Nishida et al.* discloses a microscope that uses a pulley system that uses wire ropes to move the stage and does not require or disclose a gear system. One of ordinary skill in the art would not combine *Kraft* and *Nishida et al.* because they are from disparate fields. Due to the different applications of *Kraft* and *Nishida et al.* it is apparent that impermissible hindsight reconstruction was the motivation for the combination and reliance on Applicants' own disclosure was a major factor in motivating the combination of the references.

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In view of the arguments above, Claim 2 is patentable over *Kraft* in view of *Nishida et al.* Claims 7 and 12-14 dependent from Claim 2, also are patentable over *Kraft* in view of *Nishida et al.*

Claim 16

Applicants have shown that *Kraft* fails to teach all the elements of Claim 16. *Nishida et al.* does not cure the defects of *Kraft* regarding the elements of Claim 16.

Furthermore, there is no motivation to combine *Kraft* with *Nishida et al.*, or to modify the references to create the subject invention. *Kraft* discloses a microscope with a gear system implemented to move the stage, while *Nishida et al.* discloses a microscope that uses a pulley system that uses wire ropes to move the stage and does not require or disclose a gear system. One of ordinary skill in the art would not combine *Kraft* and *Nishida et al.* because they are from disparate fields. Due to the different applications of *Kraft* and *Nishida et al.* it is apparent that impermissible hindsight reconstruction was the motivation for the combination and reliance on Applicants' own disclosure was a major factor in motivating the combination of the references.

In view of the arguments above, Claim 16 is patentable over *Kraft* in view of *Nishida et al.*

Applicant courteously requests that the rejection be removed.

The Rejection of Claim 15 under 35 U.S.C. §103(a)

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Kraft* in view of U.S. Patent No. 5,907,157 (*Yoshioka et al.*). Applicants respectfully traverse this rejection.

Claim 2

Applicants have shown that *Kraft* fails to teach all the elements of Claim 2. *Yoshioka et al.* does not cure the defects of *Kraft* regarding the elements of Claim 2.

Furthermore, there is no motivation to combine *Kraft* with *Yoshioka et al.*, or to modify the references to create the subject invention. It is apparent that impermissible hindsight reconstruction was the motivation for the combination and reliance on Applicants' own disclosure was a major factor in motivating the combination of the references.

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In view of the arguments above, Claim 2 is patentable over *Kraft* in view of *Yoshioka et al.* Claim 15, dependent from Claim 2, also is patentable over *Kraft* in view of *Yoshioka et al.* Applicant courteously requests that the rejection be removed.

Conclusion

For all the reasons outlined above, Applicants respectfully submit that the claims are in condition for allowance, which action is courteously requested.

Respectfully submitted,



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Dated: May 19, 2006
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